



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/19/05

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment PL-2005-0157 GPA - Request to Amend the General Plan Designations for Portions of the Site from Limited Open Space to Limited Medium Density Residential (8.7 to 12.0 Dwelling Units Per Net Acre) and to Open Space - Parks and Recreation

Zone Change PL-2005-0158 ZC – Request to Amend the Pre-Zoning Designations for Portions of the Site from Agriculture (AB10A) to Planned Development (PD) and to Open Space/Parks and Recreation (OS), and to Amend the Mission-Garin Area Special Design District (SD-5) Provisions

Vesting Tentative Map PL-2005-0156 TTM 7620 - Request to Subdivide a 162-Acre Site to Create 179 Single-Family Lots and Related Streets on 29.4 Acres, a 30-Acre Neighborhood Park with Stormwater Detention Basins and Open Space and Trails on the Remaining 102 Acres

Development Agreement PL-2005-0317 DA – Request for Approval of a Development Agreement in Association with the Proposed Development

The DeSilva Group (Applicants), The DeSilva Group, Dumbarton Quarry Associates, Howard M. Settle, Maxine F. Theobald, Andrew E. Garin and Richard & Annette Warren (Owners)

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolutions approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, the General Plan Amendment and the Vesting Tentative Tract Map and introduce the attached ordinances approving the Zone Changes and Development Agreement, subject to the attached findings and conditions of approval.

DISCUSSION:

In July of 2003, the City Council approved the Mission-Garin Annexation Study, which identified development potential of that area, including the La Vista Quarry property. In anticipation of annexation into the City of Hayward, the properties in the study area were rezoned and an annexation application was filed with the Local Agency Formation Commission of Alameda County (LAFCO) in the fall of 2003.

As a result of the Mission-Garin Annexation Study, the City Council approved a General Plan Land Use designation of Limited Open Space, and a rezoning designation of AB10A (Agricultural, 10 acre minimum lot size) for the quarry area, which, along with the Mission-Garin Area Special Design District (SD-5) provisions, would have allowed up to 16 homes to be constructed on the site. At that time, the La Vista Quarry was anticipated to close in 2008, at which time the associated surface mining permit granted by Alameda County would expire.

Subsequent to that action, the owners of La Vista Quarry filed an application with Alameda County in April of 2004 to allow the quarry to continue to operate through 2028, and a draft environmental impact report was prepared. That application gave rise to concern that the continuation of the quarry operation for an additional 24 years may not be compatible with surrounding uses and recent and anticipated development in the general vicinity. That application has been held in abeyance pending processing of the current applications.

Project Description

The 162-acre site, currently used as an active surface mining operation and asphalt batch plant, is proposed for subdivision for development of 179 single-family residential lots and related public streets, along with a new 30-acre community park with detention basins, a possible new community center, and associated open space and trails. The homes would be located east of the Hayward earthquake fault trace and west of a reclaimed quarry slope that would extend several hundred feet up to the boundary of Garin Regional Park. One of the recommended conditions of approval would require formation of a geologic hazard abatement district (GHAD), which would provide for regular maintenance and inspections, repairs if necessary, and funds to pay for such activities related to the large reclaimed quarry slope.

In addition to dedication of 30 acres for a new community park, which is nearly ten times that which would be typically required per the City's park dedication standards, the applicant will also contribute \$2.1 million toward development of such park and an additional \$1.5 million to help pay for development of a new community center, whether the center is located within the new park or elsewhere. The proposed park would include soccer and ball playfields and a series of detention basins. On those occasions when heavy rainfall cannot be accommodated by the drainage system, the detention basins will serve to capture excess amounts of stormwater and then gradually release it into the drainage system that flows towards Mission Boulevard. At all other times, it would serve as a park. Such dual use facilities have been used in other cities in the central valley and to the east in Contra Costa County.

In addition to public streets proposed within the subdivision, two new public roads are proposed to serve the development: Tennyson Road, proposed to be extended eastward from Mission Boulevard over State lands, and a new connector road extending to Alquire Parkway. The City will work with CalTrans in developing an agreement to obtain an encroachment permit to allow for construction of the portion of Tennyson Road across State lands, which the developer will pay for. In the future when the Route 238 Bypass project is formally rescinded, the developer will be responsible for paying the cost of acquiring such lands. The development would also be served by the City's public sewer and water systems. An additional 1.2 million gallon water tank adjacent to the existing 1.2 million gallon tank would be required to be constructed at the Garin Reservoir site, and related water system upgrades would be required, including improvements to the pump station and a new backbone piping distribution network.

The City's Inclusionary Housing Ordinance requires that 27 units be provided on site for moderate income households. However, the City's ordinance provides the opportunity to provide

off-site affordable housing, provided certain findings are made. Primarily, the off-site units need to further affordable housing opportunities to a greater extent than would the typical on-site affordable units, and that a project schedule be developed that would result in the affordable units being completed concurrently with the project's market-rate units. The applicant is proposing to provide affordable housing units off-site, at the former pickle factory site at the northeast corner of Saklan Road and North Lane. Eden Housing would assume responsibility for developing the units, consisting of between 72 to 82 apartments for very low and low income households. The applicant is proposing to meet its obligation for 27 units through this development. (The applicants for the Garin Vista development, proposed to the south of the La Vista site and consisting of 126 units, will be petitioning to use the Saklan Road site to meet its affordable housing obligation, which would be 19 units.) Because the number of affordable units proposed for the Saklan Road site are greater than the number of units that would be required for the La Vista and Garin Vista projects, the La Vista project developer is seeking authority to receive a credit for the excess number of units, potentially, about 36 units. The staff is supportive of this request provided that the credits are utilized within five years from the effective date of the La Vista project approvals and pertain to projects in which the developer has an ownership interest.

The visual impacts and associated risks related to development in the hillside in proximity to the Hayward earthquake fault must be weighed against the benefits of housing, including affordable housing, as well as the public benefits proposed with the project. The attached Planning Commission agenda report addresses such issues in detail.

Planning Commission Hearing

On July 7, 2005, the Planning Commission unanimously recommended approval of an amendment to the General Plan Land Use Designations for portions of the subject property from *Limited Open Space* to *Limited Medium Density Residential* and to *Open Space – Parks and Recreation*, and for a zone change from *Agriculture (AB10A)* to *Planned Development (PD)* and *Open Space-Parks and Recreation* for portions of the property, along with approval of the preliminary development plan to allow development of 179 single-family homes at a density of 9.3 dwelling units per net acre. Also, the Commission recommended that the maximum dwelling unit potential specified for the subject property in the Mission-Garin Area Special Design District (SD-5) provisions be changed from 16 to 179 dwelling units and that the minimum number of one-story homes required for projects in the SD-5 Special Design District be changed from 15 percent to 10 percent. Some of the Planning Commissioners had reservations about the proposed change related to the number of one-story units required. However, as indicated to the Commissioners, staff feels that providing 10 percent of such units for projects in the SD-5 District would provide sufficient units for such populations and would provide an acceptable variety of building types throughout developments. The Eden Shores project, for instance, required that 10 percent of the units be one-story.

The project also includes a request to vacate a portion of the eastern end of the Alquire Parkway right-of-way, while retaining public utility easements, to accommodate a new connector road from Alquire Parkway to the southern end of the development. The Planning Commission and staff view the vacation as an opportunity to reduce paving and add landscaping, which would enhance the residential setting in that neighborhood and allow the remaining pavement serving the last two properties at the end of Alquire Parkway to appear as a private shared driveway, rather than a public road (see attached conceptual layout). When final maps are proposed, staff will return to the Council recommending formal summary vacation of such right-of-way.

Finally, the Commission recommended adoption of the related development agreement, which specifies obligations for both the applicant and the City, and identifies a schedule for project completion. Pursuant to Section 3 of the development agreement, the property owner will dedicate land, construct site improvements and contribute funds for the proposed Eden Housing affordable housing project, will construct and dedicate or convey public facilities (Tennyson Road, etc.), and will dedicate land, construct site improvements and contribute funds for the park and community center, as specified below. The effective date of the development agreement and the related ordinances and resolutions shall be the effective date of finalization/recordation of annexation documents.

The draft July 7 meeting minutes are attached. Generally, as indicated by the unanimous recommendation, the Planning Commissioners supported the project. The recommendation by the Planning Commission related to condition #111(e) (notification of neighbors during construction) has been incorporated into the attached revised conditions of approval.

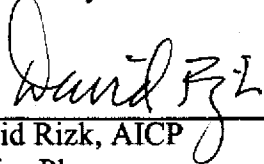
Environmental Review (CEQA)

A Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program have been developed in association with the proposed project. Environmental issues that are addressed in those documents and that have been primary areas of concern to residents are those related to naturally-occurring asbestos and geologic/geotechnical issues. Mitigation Measures III-b and VII-b(1) address naturally-occurring asbestos by requiring that an asbestos dust mitigation plan to be approved by the Bay Area Air Quality Management District be implemented and that no material with asbestos be placed within the top 10 feet of finished grade and that such material be tested to ensure it is "clean" of such material. Regarding geologic issues, a condition of approval requires that no homes be placed within 50 feet of an active fault trace and that recommendations of the project geotechnical engineer regarding drainage, slopes, etc., be implemented during grading and homes construction.

Two letters have been received in response to the Mitigated Negative Declaration. The first letter is from CalTrans. City staff has sent a letter to the State in response to the letter, clarifying the methodology used for the traffic analysis in the Mission-Garin Annexation Project Program EIR is sufficient in staff's opinion, and indicating many of the concerns identified by the State are addressed via project conditions of approval. Also, staff has added standard language in the Cultural Resources section (section V) of the initial study to address another comment from CalTrans, related to protocol to be followed should archaeological resources or burials be discovered during the course of construction (see revised Initial Study, attached).

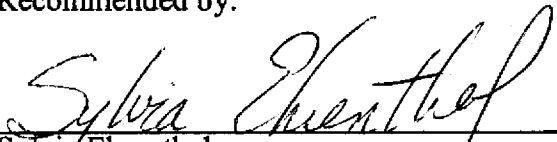
The second letter received is from the East Bay Regional Park District, which was submitted at the Planning Commission hearing. The Park District requests that the future GHAD protect the integrity of the Garin Regional Park boundary, since past slope failures in the area have occurred. Condition #84 requires formation of the GHAD and indicates the specific areas to be covered by the GHAD will be determined when it is formed. A second issue raised by the District relates to the visibility of the required second water tank. Condition #107 requires that such tank be painted neutral, earth-tone colors to blend in with the natural environment and screened with trees and shrubs, in accordance with the City's Hillside Design Guidelines. Staff will ensure that the EBRPD is consulted when the details of such tank are developed.

Prepared by:



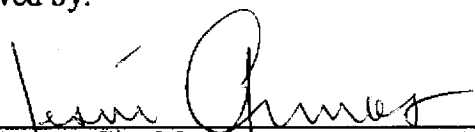
David Rizk, AICP
Senior Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesus Armas, City Manager

Attachments:

- Exhibit A: Conditions of Approval (**revised**)
- Exhibit B: Mitigated Negative Declaration, Initial Study (**revised**) and Mitigation Monitoring and Reporting Program
- Exhibit C: Conceptual layout of end of Alquire Parkway
- Exhibit D: Draft Planning Commission Meeting Minutes, dated July 7, 2005
- Exhibit E: Planning Commission Agenda Report with attachments dated July 7, 2005
 - Project Plans
 - Draft Resolutions and Draft Ordinances

7/14/05

**THE REFERENCED EXHIBITS
CAN BE VIEWED IN THE
OFFICE OF THE CITY CLERK**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
7/14/05

RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING GENERAL PLAN AMENDMENT PL 2005-0157 GPA

WHEREAS, General Plan Amendment Application PL 2005-0157 GPA concerns a request to develop a 162-acre parcel located 28806 and 28816 Mission Boulevard, Hayward, California, commonly known as the La Vista Quarry (the "Project" or the "Property") with 179 single family lots and to amend the General Plan land use designation for portions of the Property from Limited Open Space to Limited Medium Density Residential and Open Space - Parks and Recreation; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed application on July 7, 2005, and recommended that the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and approve the General Plan Amendment and the associated zone change application, development agreement and vesting tentative map; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared for General Plan Amendment PL 2005-0157 GPA, and, as conditioned, it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the proposed Project will have a significant effect on the environment, cumulative or otherwise, that cannot be mitigated, and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.
2. The proposed General Plan amendment will promote the public health, safety, convenience, and general welfare of the residents in Hayward in that

the design and construction of the 179-unit residential development will be done in accordance with sound geotechnical practices under the direction of a California-registered geotechnical engineer and certified engineering geologist and the State Office of Mine Reclamation will be required to approve final reclamation of the Property associated with the closure of the La Vista Quarry. In addition a Geologic Hazard Abatement District shall be formed to provide a funding mechanism and schedule for regular maintenance and, if necessary, repair of the slopes above and to the east of the Project and the extent and density of development will be guided into a cohesive pattern that minimizes visual impacts and avoids encroachment into natural, undisturbed areas.

3. The proposed amendment and the Project, with the required conditions of approval, is in conformance with the City's General Plan Policies, the Mission-Garin Area Special Design District, as amended, the City's Hillside Design and Urban/Wildland Interface Guidelines and the Zoning Ordinance, as amended, and will result in a development that will be compatible with surrounding land uses and zoning and will further the City's goal to provide ownership housing opportunities as expressed in the Housing Element of the General Plan.
4. The existing or proposed streets and public facilities, including the eastward extension of Tennyson Road, the northerly extension of Alquire Parkway and the addition of a new 1.2-million gallon water tank and related system upgrades at the Garin Reservoir site, are adequate to serve all of the uses permitted when the Property's land use designation is amended.
5. The uses proposed under this Project will be compatible with the proximate residential and industrial uses.
6. The proposed amendment will result in a Project that will be compatible with the surrounding residential land uses and zoning, in that the Project will provide a variety of homes of high-quality design that will be constructed in an already-disturbed area; result in insignificant visual impacts; and be constructed in compliance with an approved fuel management plan.
7. The proposed amendment is consistent with the General Plan Housing Element's goal of providing housing opportunities for all household income levels in that 72 to 82 housing units for very low- and low-income households will be provided in the City as a result of the Project.
8. The dedication of approximately 30 acres for a new community park, the

contribution of \$1.5 million towards development of a new community center either within the 30-acre park or in the general vicinity and the development of the park with playfields, detention basins and other public facilities equal in value to at least \$2.14 million in an area of the City that lacks adequate recreational opportunities is consistent with the policies contained in the Community Facilities and Amenities section of the General Plan and, in particular, Policy 5, which states that the City should "[s]eek to increase the amount, diversity and quality of parks and recreational facilities and opportunities."

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program are hereby adopted and General Plan Amendment PL 2005-0157 GPA, is hereby approved, effective immediately upon the effective date of the annexation of the Property by the Local Agency Formation Commission of Alameda County.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mal
7/14/05

**RESOLUTION ADOPTING MITIGATED NEGATIVE
DECLARATION AND CONDITIONALLY APPROVING
ZONE CHANGE APPLICATION PL 2005-0158 ZC AND
VESTING TENTATIVE TRACT MAP PL 2005-0156 TTM
7620 AND THE INCLUSIONARY HOUSING PLAN**

WHEREAS, Zone Change Application PL 2005-0158 ZC and Vesting Tentative Map PL 2005-0156 TTM 7620 concern a request by The DeSilva Group (Applicant) and The DeSilva Group, Dumbarton Quarry Associates, Howard M. Settle, Maxine F. Theobald, Andrew E. Garin and Richard and Annette Warren (Owners) to subdivide a 162-acre parcel and construct 179 single family residences located at 28806 and 28816 Mission Boulevard, Hayward, California, commonly known as the La Vista Quarry (the "Project" or the "Property"); to prezone the Property from Agricultural (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District and to amend the Mission-Garin Area Special Design (SD-5) District provisions to allow for an increased number of dwelling units on the Property and a reduction in the number of one-story units to be constructed, submitted in conjunction with a related General Plan Amendment and proposed development agreement; and

WHEREAS, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on July 7, 2005, regarding the applications, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, the Zone Change application, the Vesting Tentative Tract Map, the amendment to the Hayward General Plan, the proposed development agreement and the proposed Inclusionary Housing Plan; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the Initial Study upon which the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are based, certifies that the Mitigated Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the Mitigated Negative Declaration reflects the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

ZONE CHANGE - RECLASSIFICATION TO PLANNED DEVELOPMENT (PD) AND OPEN SPACE/PARKS AND RECREATION (OS) DISTRICTS

1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared for Zone Change Application PL 2005-0158 ZC, and, as conditioned, it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the proposed Project will have a significant effect on the environment, cumulative or otherwise, that cannot be mitigated, and that the Mitigated Negative Declaration is complete and final and reflected the City of Hayward's independent judgment and analysis.
2. The Project is in substantial harmony with the surrounding area and conforms to the General Plan, as amended, and applicable City policies in that the design and layout of the Project will result in the construction of a variety of homes of high-quality design that will be constructed in an already disturbed area with no significant visual impacts and the Project will be constructed in compliance with an approved fuel management plan consistent with sound geotechnical practices. Additionally, the Project will further the City's goal to provide ownership housing opportunities, as expressed in the City's General Plan Housing Element and will further the City's Housing Element policy to provide housing opportunities for all household income levels in that 72 to 82 rental housing units for very low- and low-income households will be provided in the City.
3. Streets and utilities, existing or proposed, are adequate to serve the Project in that the conditions of approval require that two public roads be constructed to City standards to serve the Project and that upgrades to the Garin Reservoir system, acceptable to the City, be completed, including construction of a new water tank and upgrades to the associated pump station. In addition, the Project will also contribute its fair share to upgrading the sewer interceptor line that serves the general area of the City.
4. The Project creates a residential environment of sustained desirability and stability in that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon. The Project will have no substantial adverse effect upon the surrounding development in that the Project will result in the dedication of approximately 30 acres for a new community park, development of the park with playfields, detention basins and related public facilities, equal in value to at least \$2.14 million, in a manner to be

found acceptable by the Hayward Area Recreation and Park District and the contribution of \$1.5 million towards the development of a new community center in an area of the City that lacks adequate recreational opportunities, all to be done under the supervision of a registered geotechnical engineer, in accordance with standard geotechnical practices.

5. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other development standards, in that the exceptions requested for reduced minimum lot sizes and front yard setbacks is offset with sidewalks along street frontages and the dedication and development of a new community park adjacent to the Project and a \$1.5 million contribution toward the construction of a new community center adjacent to the Project or in the general vicinity. The exceptions requested for reduced side yard setbacks and average lot widths is offset by the building design and lot configurations for the "Two-Pack" lots (nearly 70% of the total), where garages are located adjacent to living areas on the adjacent lot, thereby affording privacy from the living areas within the homes. In addition, reciprocal "cross-over" easements are proposed across adjacent properties, providing more outdoor open space and driveway area for use by occupants of each of the "Two-Pack" homes. The exceptions requested for the rear yard setbacks for "uphill" homes along the western side of the streets is offset with the provision of a 40-foot deep slope on the adjacent "downhill" property and open space around the Project perimeter, thereby providing separation between buildings.

TEXT AMENDMENTS - MISSION-GARIN AREA SPECIAL DESIGN DISTRICT PROVISIONS

6. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of the City in that the Project will allow development of 179 ownership housing units, where ownership housing is supported by the Housing Element of the General Plan, in that the design and construction of the Project will be done in accordance with sound geotechnical practices under the direction of a California-registered geotechnical engineer and certified engineering geologist, and the State Office of Mine Reclamation will be required to approve the final reclamation of the site associated with the closure of the La Vista Quarry. In addition, a Geologic Hazard Abatement District shall be formed to provide a funding mechanism and schedule for regular maintenance and, if necessary, repair of the slopes above and to the east of the Project. The Project will also result in the dedication of approximately 30 acres for a new community park, development of the park with playfields, detention basins and related public facilities, equal in value to at least \$2.14 million in a manner to be found acceptable to the City, following consultation with the Hayward Area Recreation and Park District.
7. The proposed change is in conformance with the purposes of the Zoning

Ordinance and all applicable, officially adopted policies and plans in that the Project will provide for new recreational amenities in an area of the City that is currently underserved by such facilities and will provide for the development of high-quality housing that is consistent with standard geotechnical and building construction practices. In addition, the Project will be consistent with the City's General Plan Policies, the Mission-Garin Special Design District (SD-5) provisions, as amended, and the Hillside Design Guidelines by proposing a development that utilizes darker earth tones, landscaping and a variety of building designs and massing, that does not encroach into the undisturbed hillside areas and that would be limited to the area on the site envisioned for development in the Mission-Garin Area Special Design (SD-5) District. The Project would also generate relatively minor visual impacts in the context of the hillsides in the area in that the development would be located nearly one-half mile east of Mission Boulevard, yet would not be located higher than the 320-foot elevation level, well below the elevation of development to the south in the vicinity of Garin Avenue. Also, the proposed request to reduce the number of one-story homes required to be constructed for detached single-family residential projects from 15 percent to 10 percent would still result in an acceptable mix of housing units within a development to provide visual variety and opportunities for disabled and/or elderly persons.

8. All uses permitted when the text amendments are approved will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the Project will result in a residential environment of sustained desirability and stability that will provide for high-quality ownership housing within close proximity to the South Hayward BART Station, which is more compatible with existing residences and uses along Mission Boulevard than is the existing surface mining operation and will provide for off-site affordable housing within the City that results in more affordable units.

VESTING TENTATIVE TRACT MAP 7620

9. The tentative map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance;
10. The site is physically suitable for the proposed type of development;
11. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
12. The design or the subdivision and the proposed improvements are not likely to cause serious health problems.

13. Existing streets and utilities are adequate to serve the project;
14. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made.

INCLUSIONARY HOUSING PLAN

15. The Project will result in greater affordable housing opportunities in Hayward than what normally would be required for the Project in that 72 to 82 apartments affordable to households of low- and very low-incomes will be developed, which are more affordable than the units available to moderate income households that would otherwise be required.
16. The Project schedule, as conditioned, will ensure that development of at least 27 affordable units by Eden Housing, Inc., at the northeast corner of Saklan Road and North Lane will occur at the same time as the development of the Project or 27 units available to moderate income households shall be provided on the Project site.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that Zone Change Application 2005-0158 ZC, Vesting Tentative Map Tract No. 7620 and the Inclusionary Housing Plan are hereby approved, effective immediately upon the effective date of annexation of the Property by the Local Agency Formation Commission of Alameda County, and subject to the conditions of approval contained in Exhibit A attached hereto and incorporated herein as a part of this resolution, and the adoption of the companion resolution amending the General Plan Land Use designation for the Property from Limited Open Space to Limited Medium Density and Open Space - Parks and Recreation and the companion ordinance reclassifying the Property from Agricultural (AB10A) District, to PD (Planned Development) District and Open Space/Parks and Recreation (OS) District.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR PRO TEMPORE:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: MAYOR:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE,
CHAPTER 10, ARTICLE 1 OF THE HAYWARD
MUNICIPAL CODE, RELATING TO THE MISSION-GARIN
AREA SPECIAL DESIGN (SD-5) DISTRICT

me
7/14/05

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. _____, approving the text changes requested in Zone Change Application PL 2005-0158 ZC. The City Council also hereby finds and determines that:

(a) This ordinance adopts text changes to the Zoning Ordinance, codified as Chapter 10, Article 1 of the Hayward Municipal Code; more specifically, to the Mission-Garin Area Special Design ("SD-5") District; and

(b) The potential environmental impacts are discussed in the Initial Study and Mitigated Negative Declaration approved by the City Council's adoption of Resolution No. _____; and

(c) The adoption of this text change to the Zoning Ordinance does not constitute a reclassification of property.

Section 2. Section 10-1.2630(c)(12) of Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to read as follows:

"Detached single-family residential development projects will include at least 10% one-story units. A lesser amount may be considered based on topographic conditions."

Section 3. The Mission Garin Area Special Design District Maximum Total Potential Chart is amended to allow 179 dwelling units for the La Vista Quarry, where 16 dwelling units were previously allowed, as shown in the chart on Exhibit A attached hereto and incorporated herein by reference.

Section 4. This ordinance shall become effective on the effective date of the annexation of the property by the Local Agency Formation Commission of Alameda County.

Section 5. Should any portion of this ordinance be declared by court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not effect the validity of the remainder of the ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19th day of July, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of July, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

MISSION-GARIN AREA SPECIAL DESIGN (SD-5) DISTRICT

Maximum Total Dwelling Unit Potential

The SD-5 special design district comprises approximately 363 acres. The maximum dwelling unit potential shown in the table below excludes parcels/areas totaling approximately 57 acres within the district that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc.

Owners of Parcels	Maximum Potential Dwelling Units
Christiansen	1
Angelo	1
Garin (Pistol Range)	1
Tomanek	1
Clanton	3
Ersted	115
La Vista Quarry ¹	179
Warren (Garin Vista)	115
McKenzie	54
Clearbrook Partnership ²	13
TOTALS:	483

¹Consists of the following parcels/areas:
Lynch/East Bay Excavating Co./Warren (North)/Warren
(Central)/DeSilva Group

²Does not include the potential for an additional
12 dwelling units associated with the approved
Oak Hills Planned Development

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE BY PREZONING
CERTAIN TERRITORY IN CONNECTION WITH ZONE
CHANGE APPLICATION PL-2005-0158 ZC RELATING TO
THE LA VISTA QUARRY IN THE MISSION-GARIN
ANNEXATION AREA

True
7/14/05

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Prezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to prezone the property located at 28806 and 28816 Mission Boulevard, Hayward, California, commonly known as the La Vista Quarry, from Agricultural (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District, as more specifically set forth and identified on the map in Exhibit "A" and incorporated herein by reference.

The City Council has adopted two companion resolutions, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment PL 2005-0157 GPA, Zone Change Application No. PL-2005-0158 ZC and Vesting Tentative Map PL 2005-0156 TTM 7620, which findings contained therein are incorporated herein by reference.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon the effective date of the annexation of the Property by the Local Agency Formation Commission of Alameda County.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19th day of July, 2005, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of_____, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING EXECUTION OF A
DEVELOPMENT AGREEMENT WITH LA VISTA, L.P.,
FOR DEVELOPMENT OF THE LA VISTA PROJECT

7/14/05
mae

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This ordinance authorizes the execution of a development agreement with La Vista, L.P., for the La Vista Project ("La Vista Project Development Agreement"), to be developed on an approximately 162-acre site located at 28806 and 28816 Mission Boulevard, Hayward, California (the "Property"), commonly known as the La Vista Quarry in the Mission-Garin Annexation Area. The findings and determinations contained in the following resolutions are incorporated by this reference: Resolution No. _____, which approves General Plan Amendment PL 2005-0157 GPA, which amends the land use designations for the Property, and Resolution No. _____, which approves Zone Change Application PL 2005-1058 ZC, reclassifying the Property from Agricultural (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District and approving Vesting Tentative Map 7620 (PL 2005-0156 TTM 7620) and certain text changes to the Mission-Garin Area Special Design (SD-5) District. The following additional findings also support the adoption of this ordinance authorizing the execution of a Development Agreement with La Vista, L.P.

- A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code, the City's Development Agreement Ordinance, and the provisions of state law which authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of their property, contained in Government Code sections 65864 through 65869.5.
- B. The proposed La Vista Project Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, Mission-Garin Area Special Design District, and the Hillside Design and Urban Wildland/Interface Guidelines in that Section 3 of the Development Agreement stipulates the development must be consistent with such provisions.

- C. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the General Plan, as amended, allows for Limited Medium Density Residential development at 8.7 to 12.0 dwelling units per net acre and the development is proposed to have 9.3 dwelling units per net acre.
- D. The proposed Development Agreement is in conformity with public convenience, general welfare, and good land use practice in that it will provide new housing opportunities and new public facilities, including 30 acres for a new community park and substantial contribution toward development of a new community center, while minimizing impacts to the area.
- E. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that Tennyson Road is proposed to be extended eastward from Mission Boulevard and Alquire Parkway is proposed to be extended northward to serve the development, thereby providing two means of ingress and egress to and from the development, and a new 1.2 million gallon water tank and related system improvements are proposed for the Garin reservoir site to serve the development.
- F. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as a part of the development approvals to ensure that significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, naturally-occurring asbestos and geologic hazards.
- G. The orderly development of property or the preservation of the property values will be promoted and advanced by the proposed development in that high-quality single-family housing will be constructed in an area that currently contains an active surface mining operation, resulting in less impacts to, and a development more compatible with, surrounding residences.

Section 2. Authorization of La Vista Project Development Agreement. Based on the findings set forth in this ordinance and in Resolution Nos. _____ and _____, as well as a review of the proposed La Vista Project Development Agreement submitted to the City Council at the July 19, 2005, meeting, the City Council hereby takes the following actions:

- A. The City Manager is authorized to execute a Development Agreement with La Vista, L.P., regarding the La Vista Project planned development proposal substantially in the form of the proposed development agreement presented to the City Council on July 19, 2005, together with such minor clarifying changes as may be necessary upon approval by the City Manager after consultation with

the City Attorney.

- B. The City Manager is also authorized to take such further actions which he or she deems necessary and proper to carry out and or monitor performance of the terms of the executed La Vista Project Development Agreement pursuant to applicable law and regulation. This authority includes but is not limited to execution of any further agreement which the City Manager deems necessary to implement the La Vista Development Agreement ("Implementation Agreement").

Section 3. Effective Date. This ordinance shall become effective immediately upon the effective date of annexation of the Property by the Local Agency Formation Commission of Alameda County.

Section 4. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 2005, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward